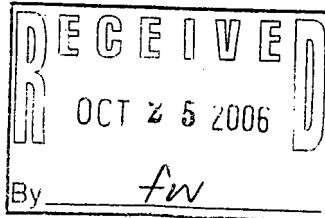




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P5686Z
(YFM)

Mailed: 10/23/06

Decision on
Petition.

meb

In re application of

Jung-Il Nam et al.

Serial No. 10/374,980

Filed: March 3, 2003

For: SECONDARY BATTERY WITH ENHANCED ABILITY TO PREVENT LEAKAGE

DECISION ON
PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181, filed September 26, 2006, requesting that the requirement to label Figures 5 and 6 as "Prior Art" be withdrawn.

On September 18, 2006, an office action was mailed by the examiner containing a requirement to label Figures 5 and 6, as Prior Art, since only that which is old is illustrated.

A review of the application indicates that the subject matter in Figures 5 and 6 illustrates a secondary battery and a cap for the battery. However, there is no indication in the disclosure that the subject matter depicted in Figures 5 and 6 is expressly considered by the Applicant to be "Prior Art".

The petition is **GRANTED**.

Accordingly, the requirement that Figures 5 and 6 be labeled as "Prior Art" is withdrawn. It is noted that Applicant's time for response to the September 18, 2006 office action continues to run as set forth in the office action.

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

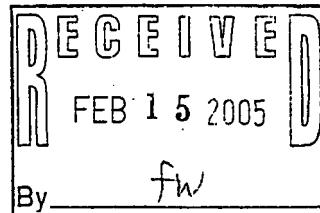
Robert E. Bushnell
1522 "K" Street N.W., Suite 300
Washington, DC 20005



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Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington DC 20005

In re Application of:
Kyung-Hwa Min
Application Serial No.: 10/270,340
Filed: October 15, 2002
For: **METHOD FOR TESTING SUBSCRIBER
LINE OF PRIVATE AUTOMATIC BRANCH
EXCHANGE USING DUAL-TONE MULTI-
FREQUENCY SIGNAL**

MAIL

FEB 14 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600DECISION
ON PETITION

This is a decision on the petition, under 37 C.F.R. §1.181, filed on December 2, 2004 requesting the withdrawal of the requirement to label Figure 1 as "Prior Art".

The petition is GRANTED.

A review of the record indicates that Figure 1 as originally filed and discussed was referred to as containing a "conventional" line tester in a subscriber circuit. The original disclosure did not indicate that the figure was prior art. Hence, in keeping with the disclosure and applicant's arguments, the requirement to label this figure as "Prior Art" is withdrawn.

Kenneth A. Welch
for

Mark R. Powell
Technology Center 2600
Communications



COPY

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Paper No. 9

ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON, DC 20005

OCT 18 2002

OCT 16 2002

In re Application of :
Chang-Hum Lee :
Application No. 10/057,956 :
Filed: January 29, 2002 : DECISION ON PETITION
For: DEVICE AND METHOD FOR DISPLAYING :
CHARGE CAPACITY INFORMATION OF SMART :
BATTERY :

This is a decision on the petition under 37 CFR 1.181, filed on August 22, 2002, requesting that the requirement to label Figures 1 and 2 as "Prior Art" be withdrawn.

The petition is GRANTED.

A review of the application indicates that the subject matter of Figures 1 and 2 illustrates a process for displaying residual capacity information of a general smart battery. However, there is no indication in the disclosure that the subject matter depicted in Figures 1 and 2 is expressly considered by the Applicant to be "Prior Art."

Accordingly, the requirement that Figures 1 and 2 be labeled "Prior Art" is withdrawn.

The application file is being forwarded to Publications for further processing.



Richard Seidel, Director
Technology Center 2800
Power Generation and Distribution, Music,
Electrical Components and Control Circuits



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Washington, D.C. 20231
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Paper No. 9

Robert E Bushnell
1522 K Street NW
Suite 300
Washington DC 20005

SEP 23 2002

rfr

MAIL

SEP 20 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION

COPY

In re Application of:
HYUNG-GON LEE
Application No. 09/468,827
Filed: December 22, 1999
For: VOICE CODING CONVERSION
CIRCUIT BETWEEN OFFICE EXCHANGE
AND ISDN KEYPHONE SYSTEM

This is a decision on the petition filed June 11, 2002 under 37 CFR 1.181 of the requirement of the Examiner to label Applicant's Figure 1 as "prior art".

On June 3, 2002, a non-final Office action was issued requiring Figure 1 of the drawings to be labeled as "prior art".

A review of the application disclosure shows that applicant describes the subject matter of Figure 1 in conventional terms. There is no indication in the disclosure that the subject matter of the figure is expressly considered by the application to be "prior art". Therefore, the Examiner's requirement that Figure 1 should be labeled as "prior art" is incorrect and will be withdrawn in the next Office Action.

Accordingly, the petition is GRANTED.

The application file will be forwarded to the Examiner to await a response from the applicant on the remaining outstanding issues as set forth in the Office Action mailed on June 3, 2002.

Jin F. Ng, Director
Technology Center 2600
Communications
(703) 305-4800

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DEC 15 1999

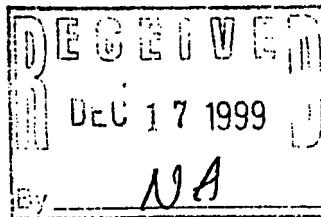
Office of the Director
Group 3600



UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231



ROBERT E BUSHNELL
ATTORNEY-AT-LAW
1522 K STREET, N.W., SUITE 300
WASHINGTON, D.C. 20005-1202



In re application of
Hae-Won Ahn

P54947

Serial No.: 08/985,544

Filed : December 5, 1997

For: FRONT CASE STRUCTURE OF CRT
DISPLAY DEVICE

- : DECISION ON PETITION
- : UNDER 37 CFR §1.181
- : REQUESTING THAT
- : THE COMMISSIONER
- : INVOKE SUPERVISORY
- : AUTHORITY

In the renewed petition filed September 9, 1999, applicant requested that the Commissioner invoke supervisory authority by instructing the examiner to withdraw the requirement that Figs. 1 and 2 be labeled as "Prior Art". The petition is GRANTED.

This petition presents two issues. First, are the figures in question necessary to the understanding of the invention? A review of the application has been made and it is considered that the figures are necessary to the understanding of the invention. Second, are the figures required to be labeled with the legend "Prior Art"?

A careful review of the application papers indicates that the subject matter of Figures 1 and 2 are considered by applicant to be "conventional". However, there is no indication in the disclosure that the subject matter of the figures is expressly considered by the applicant to be "Prior Art". If applicant states that something is prior art, it is available for use against the claims. See In re Nomiya, 184 USPQ 607 (CCPA 1975), MPEP §2129. No opinion is expressed in this decision whether the subject matter of Figures 1 and 2 are "Prior Art" since this is an appealable issue, MPEP §1201.

Finally, any concerns raised in the previous decision regarding applicant's duty of disclosure are withdrawn. The Office does not normally investigate such issues.
1135 Off. Gaz. Pat. Office, 13 (Jan. 9, 1992).

This application is being forwarded to the examiner for reinstatement of Figs. 1 and 2 and deletion of the amendment after final filed August 4, 1999.

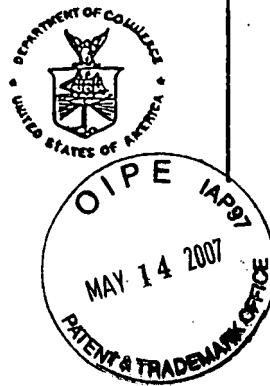
Al Lawrence Smith, Director
Technology Center 3600
(703) 308-1020

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Mailed

FEB 25 1998

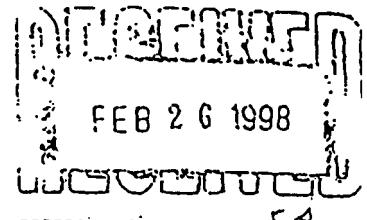
Director's Office
Group 2700



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Washington, D.C. 20231

Paper No. 21

Robert E. Bushnell
1511 K. Street N.W.
Suite 425
Washington, D.C. 20005



In re Application of)
Gwon-Il Kim)
Application Serial No.)
08/447,279)
Filed: May 22, 1995)
For: SERVO CONTROLLER)
APPARATUS AND METHOD)
OF DISK RECORDING)
SYSTEM)

DECISION ON RENEWED
PETITION UNDER
37 C.F.R. § 1.181

This is a decision on the renewed petition filed August 25, 1997 under 37 C.F.R. § 1.181 of the repeated requirement of the Examiner to label Applicant's Figures one through three as "prior art". The petition is treated as a request for reconsideration of the previous decision of August 19, 1997 in which the requirement of labeling figures one through three as "prior art" was maintained.

A careful review of the application papers indicates that the subject matter of figures one through three is considered by applicant to be "conventional". However, there is no indication in the disclosure that the subject matter of the figures is expressly considered by the applicant to be "prior art". "When applicant states that something is prior art, it is taken as being available as prior art against the claims. Admitted prior art can be used in obviousness rejections. In re Nomiya, 184 USPQ 607, 610 (CCPA 1975) (Figures in the application labeled "prior art" held to be an admission that what was pictured was prior art relative to applicant's invention.)" See M.P.E.P. § 2129. The decision, supra, was cited by both petitioner and the deciding official in the previous petition. Whether the subject matter of figures one through three of the instant application is prior art against the claims is an appealable determination and, accordingly, will not be entertained in this decision, see M.P.E.P. § 1201.

There is no requirement that a particular figure or figures be labeled as "prior art". The MPEP at section 608.02(g) indicates that if prior art figures are to be retained in the file they

Decision on Petition

should be designated with the legend of "prior art". No requirement is made for an applicant to label figure(s) as "prior art" where there is no such indication in the disclosure.

Consequently, the requirement that figures one through three each be designated by the legend of "prior art" is withdrawn.

As the time for perfecting the appeal under 37 C.F.R. § 1.192(a) has expired without the submission of an Appeal Brief, the appeal is hereby dismissed, 37 C.F.R. § 1.192(b). The application file will be forwarded to the examiner for appropriate action in due course.

SUMMARY: Petition GRANTED.

Gerald Goldberg

Gerald Goldberg, Director
Technology Center 2700-
Communications and Information Processing



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P 537116



SEARCHED

OCT - 4 1996

INDEXED

#15

In re Application of
MYUNG-CHAN JEONG
Serial No: 08/343,939
Filed on : November 17, 1994
For : DIGITAL SERVO CONTROL
APPARATUS AND METHOD
OF DATA STORAGE SYSTEM
USING DISK RECORDING
MEDIA

: DECISION ON PETITION
: UNDER 37 CFR 1.181

This is a decision on the petition filed on September 13, 1996 requesting the withdrawal of the requirement to label Fig. 3 as "Prior Art".

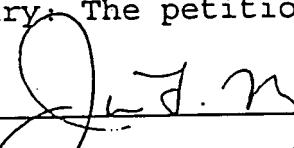
The petition is GRANTED.

A review of the record indicates that figure 3 as originally filed and discussed was referred to as "CONVENTIONAL". Hence, in keeping with the disclosure and petitioner's arguments, the examiners' requirement to label this figure as "Prior Art" is incorrect and withdrawn.

Summary: The petition is Granted.

MAILED

OCT 2 - 1996



Jin F. Ng, Deputy Director
Examining Group 2500
Electrical and Optical Systems
and Devices

OFFICE OF THE DIRECTOR
GROUP 2500

JFN/AMP

Robert E. Bushnell
1511 K Street N.W.
Washington, D.C. 20005



PATENT
P57672

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YOUNG-TAEK SUL

Serial No.: 10/550,197 Examiner: WERNER, JONATHAN S.

Filed: 21 September 2005 Art Unit: 3732

For: HELICAL IMPLANT

TRANSMITTAL OF SUBSTITUTE FORMAL DRAWING
FIGURES 6-8

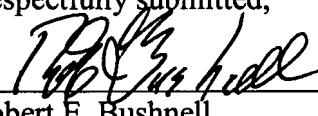
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This transmittal accompanies the Substitute Formal Drawing Figures 6-8 for the above-captioned application. The accompanying figures incorporate the drawing correction required by the Examiner in the Office action mailed on 10 April 2007 (Paper No. 20070322), namely labeling of the Figures 6-8 as "Prior Art".

Note however that Applicant filed a Petition requesting withdrawal of the aforesaid requirement on 14 May 2007. Accordingly, entry of the substitute formal drawing Figures 6-8 submitting herewith is respectfully requested to be contingent only upon final denial of Applicant's Petition filed on 14 May 2007.

Respectfully submitted,



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Attorney for the Applicant
Registration No.: 27,774

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Folio: P57672
Date: 5/14/07
I.I.D.: REB/sb